

The defendant, fueled by misogynistic hatred, plotted the mass murder of women and intended to carry it out. The Guidelines range for his crimes is 135 to 168 months, and the parties have entered into a plea agreement pursuant to Federal Rule of Criminal Procedure 11(c)(1)(A) and (C), which limits his term of imprisonment to 150 months. For the reasons outlined, this Court should accept the plea agreement and sentence the defendant to the maximum possible sentence of 150 months' imprisonment.

## I. The Offense Conduct

On March 12, 2020, Tres Genco, the defendant, was arrested by local law enforcement after a 911 call from his mother about Genco's threats of violence. The police intervention and subsequent investigation uncovered something far more sinister in the works – Genco's plot to commit a mass shooting against women inspired by his radical Incel ideology.

Genco’s path to radicalization and violence starts with a mostly online group referred to as “Incels.” Incel is shorthand for “involuntary celibate.” (Presentence Investigation Report (“PSR”))

at ¶ 24.) Incels are part of a predominantly male online community that harbors anger towards women, fueled by their inability to convince women to engage in sexual activity with them. (*Id.*; Doc. 60 (Plea Agreement) at PageID 443.) Incels espouse a violent and misogynist ideology, and some Incels have committed acts of violence in furtherance of it.

In one of the most infamous attacks, on May 23, 2014, Elliot Rodger, who self-identified as an Incel, murdered six people and injured 14 others by gun, knife, and car.<sup>1</sup> (*See* PSR at ¶ 25.) Rodger opened fire outside a University of California, Santa Barbara sorority house as part of his spree. Before he began, Rodger emailed a 107,000-word manifesto entitled *My Twisted World* to multiple media outlets. In his manifesto, Rodger outlined, among other things, his hatred of women and his plans for retribution. Right before he drove to the sorority house, Rodger uploaded a video to YouTube entitled “Elliot Rodger’s Retribution,” in which he explained that he wanted to punish women for rejecting him. Rodger’s manifesto has been lauded and disseminated by the Incel subculture, and after his attack, Rodger became a hero to a contingent of the Incel movement. Within the movement, Elliot Rodger is referred to “ER” and “the Saint,” among other names.

From at least July of 2019 through his arrest on March 12, 2020, the defendant identified as an Incel. (*Id.* at ¶ 24.) The defendant idolized Elliot Rodger. Through his profile “Oedipus” on the Incel forum Incels.co, the defendant posted frequently about Rodger and used “ER” in his messages. For example, the defendant wrote, “I sent my photo to a girl I’d been talking to a lot and the situation instantly changed which caused me to go into a depression for a year . . . then I heard about Elliot Rodger and related heavily.” When discussing methods of suicide with another poster, the defendant wrote: “Better to ER, guaranteed death by cop.”

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<sup>1</sup> The Santa Barbara County Sheriff’s Office issued an investigative summary report of Rodger’s crimes, which may be found at: <https://www.documentcloud.org/documents/1671822-isla-vista-investigative-summary>.

The defendant also bragged on Incels.co about shooting people with orange juice, something Rodger had done to “popular college kids” out of “rage” before his mass shooting.<sup>2</sup> The defendant wrote, “I sprayed some foids<sup>3</sup> with 3 week old orange juice unintentionally on ER’s birthday. Their screams were amazing, they were mega Stacy’s<sup>4</sup> too. You should do it, be sure to target stacy.” And, “I put some orange juice in a water gun, I was planning to spray some foids and couples like ER did, when I finally did do it, it was ER’s birthday and I didn’t even know that. Felt like I was spiritually connected to the saint on that day.” (PSR at ¶ 26.) The defendant conducted frequent web searches on Elliot Rodger, including “Elliot rodger grave site,” “Elliot rodger mask,” “how old was Elliot rodger when he died,” “Elliot rodger gif,” “Elliot rodger birthday,” “Elliot rodger sig sauer,” “Elliot rodger license plate,” “Elliot rodger dad,” “Elliot Rodger sister,” and “Elliot rodger sorority house.”

The defendant also focused on other mass shooters associated with the Incel ideology, including Marc Lépine (who massacred fourteen women and injured ten more in 1989 to “fight[] feminism”) and Alek Minassian (a self-identified Incel who murdered eleven people and injured fifteen more in 2018 by running them down with a van). The defendant had a fascination with Adam Lanza, the mass shooter who gunned down twenty-six people (twenty of whom were

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<sup>2</sup> Rodger wrote of the supposed incident in *My Twisted World*, pgs. 106-07.

<sup>3</sup> “Foids” is an Incel term short for “femoids,” which combines “female” and “humanoid.” See Zach Beauchamp, “Our incel problem: How a support group for the dateless became one of the internet’s most dangerous subcultures,” *Vox.com* (April 23, 2019) (available at: <https://www.vox.com/the-highlight/2019/4/16/18287446/incele-definition-reddit>); Anti-Defamation League, *Glossary of Extremism* (available at: <https://extremismterms.adl.org/glossary/foide>).

<sup>4</sup> “Stacy” is an Incel term for an attractive woman. See Zach Beauchamp, “Our incel problem: How a support group for the dateless became one of the internet’s most dangerous subcultures,” *Vox.com* (April 23, 2019) (available at: <https://www.vox.com/the-highlight/2019/4/16/18287446/incele-definition-reddit>).

children between six and seven years old) in Sandy Hook, Connecticut. The defendant labeled Lanza a “high inhib autistcel,”<sup>5</sup> asked his “fellow incels” for their “opinions on him,” and collected an Incel meme that featured Lanza. (The meme, which is discussed further *infra*, is redacted and attached as Exhibit A.)

The defendant was deeply immersed in the Incel ideology. Law enforcement seized and searched two of the defendant’s phones and between the two devices, 3,487 items contained the word “Incel,” including his web history, emails, and SMS messages. He maintained two profiles on Incels.co, and across the two accounts, posted over 450 times. A selection of those posts follows:

- “I’ve always been an incel, because I’ve never had a girlfriend or sex that wasn’t paid for. Incel since birth.”
- “I keep eye contact until they look away, then I keep looking. They deserve to feel uncomfortable. This is how you can encroach on their beautiful existence with a reminder that hideousness exists outside their selective bubble.”
- “Everything stated here is why I haven’t killermaxed, I’d be too worried about screwing over my fellow incels and just douching all of you into a shittier position.”
- “I take risks always, not because I expect to make it, because I give zero fucks and don’t care if my situation worsens, because I can always just say it’s ovER if it gets too bad.”
- “Jfl young stacy want older chads, so they feel more mature and not like the little retarded underdeveloped wretched they are. They have no time for you, prepare to watch her IG feed become of her and a chad kissing on dates.”
- “I’ve never even had the opportunity to reject a single woman, mark of a truecel.”
- “Haha what a cuck he got a girl on his dick and she’s trying to inflate his micro penis, any normal dude would’ve grabbed her by the hair and literally

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<sup>5</sup> “Autistcel” is an Incel term for an individual whose status as an Incel is attributed to a diagnosis on the autism spectrum. *See* Incels Wiki (available at: <https://incels.wiki/w/Autistcel>).

slammed her face into it. This sounds like a fake attention whoring teehee I'm so cute and naïve but still a whore story on the foids end"

- "I saw a husband grabbing his wife by the shoulders and shaking her then slapping her in public while I was night walking at 3am, I didn't do shit about it. Foid chose that fate haha"

The defendant also saved multiple misogynistic and Incel-related images and memes in his iCloud account. He conducted web searches for subjects including "when I see a woman I wonder what her head would look like on a stick[.]"

#### B. The Defendant's Plot

In January of 2019—more than a year before his arrest—the defendant purchased tactical gloves, a bulletproof vest, a revenge kill hoodie, cargo pants, a bowie knife, and a skull facemask. That same month, the defendant conducted numerous web searches of AR15 bump stocks, including "buy bump stock ar15."

The next month, the defendant purchased a Palmetto State Armory 5.56x45mm caliber firearm. In May of 2019, the defendant purchased two factory Glock 17 magazines, a 9mm Glock 17 clip, and a holster clip concealed carry for a Glock.

***The July 2019 Escalation.*** In July of 2019, the defendant's interest in Incel philosophy and violence escalated. For example, among the images on his phone was a JPG from July 20, 2019. (*See Exhibit A.*) The JPG is a series of four photographs – two of which are Adam Lanza, one of a woman holding out her hands in a stop gesture, and one of a woman supposedly being raped. Text appears on the photographs: [on Adam Lanza] "I'm lonely. All I want is love and physical affection." [on woman with hands raised in stop gesture] "Ummm no one is entitled to anything sweetie! You're not entitled to love. Or a chance at it." [on woman being raped] "Hellllppp!! Please for the love of God somebody call the police I'm being raped!!!" [on Adam Lanza] "You're not entitled to my help. You're not entitled to ANYTHING. If you don't want to

be raped you have to EARN IT.” In a JPG saved three days later, on July 23, 2019, a distressed woman is raped at gunpoint while another woman cowers on the corner of the bed. (The photograph is redacted and attached as Exhibit B.)

The next day, July 24, 2019, the defendant saved a JPG of a website listing various guns and a knife under the heading “Elliot Rodger>>Item Inventory.” One day later, the defendant took a picture of what appears to be himself wearing a gold face mask, as well as a picture of an assault rifle, body armor, and the mask. (Pictures attached as Exhibit C.) He also took a picture of a pistol with a loaded magazine.

*The Defendant’s Trip to Greece and His Writings.* On July 30, 2019, the defendant travelled to Greece, where he stayed until August 15, 2019. During a law enforcement search of the defendant’s bedroom at the time of his arrest, they found the defendant’s hand-written note on stationery from a Greek hotel. (Note attached as Exhibit D.) The note contained the following list:

C4H8Cl2S<sup>6</sup>  
O.S.U.  
May 23, 2020 290 days!<sup>7</sup>  
M-16 optimal, convert or mil-spec; Will get arms training in BCT, Georgia<sup>8</sup>  
KC<sup>9</sup> needs to be huge! 3,000? Aim big then  
Need to write plot. Take some writing classes?  
Plausible. PETN<sup>10</sup>

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<sup>6</sup> Law enforcement believes this is a reference to the chemical composition of mustard gas.

<sup>7</sup> The reference to May 23, 2020 is a reference to the anniversary of Elliot Rodger’s mass shooting, which occurred on May 23, 2014. Law enforcement believes the note was written on August 7, 2019, which is 290 days from May 23, 2020.

<sup>8</sup> BCT stands for basic combat training, the formal name for Army boot camp. One location for BCT is Fort Benning, Georgia.

<sup>9</sup> Law enforcement believes this is an acronym for “kill count,” an expression used in video games.

<sup>10</sup> Law enforcement believes this is a reference to a plastic explosive.

Proper planning! Hoover Dam? Ambuscado  
How do gatling guns work?  
Area denial  
M134-24<sup>11</sup>

Also during that trip to Greece, on August 3, 2019, the defendant created a “notes” document entitled A Hideous Symphony a manifesto written by Tres Genco, the socially exiled Incel. (PSR at ¶ 29.) That manifesto read, in part:

I would hope these words resonate in sweet familiarity to fellow incels, either cognizant of their situation or not. There is no such thing as sorrow, only acknowledgement, and I acknowledge my predetermined fate of being forced into a miserable existence at the hand of genetics, the hand responsible for sculpting my horrendous face, and lackluster stature. . . . this training will be for the attainment of one reality, the death of what I have been deprived most, but also cherish and fantasize at the opportunity of having but has been neglected of; Women. I will slaughter out of hatred, jealousy, and revenge. I don’t hate women in any other sense that I will never have one that loves me. . . . If only one woman had given me a poor excuse of an opportunity, I would not be writing these words, and more importantly feeling them within my depressed heart. I will take away the power of life that they withhold from me, by showing there is more than just happiness and fulfillment, there is all encompassing death, the great equalizer that will bear all of us into its seductively calm velvet of silence and serenity. What I will lack is sorrow and a mixture of self-destructive emotions for my inferiority as a human yet unmatched, what they will lose is so much more worth grieving for.

(Manifesto attached as Exhibit E.)

The same day that the defendant created his manifesto, the defendant visited the websites for two sororities, including one at Ohio State University, and searched Google for, among other things, “sorority osu,” “ohio state university sororities,” and two sororities by name. He also searched “manifesto vs novel,” “exiled synonyms,” and “misogynistic.”

Three days later, on August 6, 2019, the defendant researched gun modifications, saving illustrated guides to constructing M-16s. He searched for “ar15 to m16” and “difference between full auto and semi auto,” “mustard gas,” and “Elliot rodger art,” among other things. The defendant

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<sup>11</sup> Law enforcement believes this is a reference to a mini-gun.

made a note for himself, listing “Creation tasks: Mustard Gas PPS-43 variant, homemade full auto.” Continuing in the following days of August 2019, the defendant continued to do Google searches for topics such as Elliot Rodger, mustard gas, chemistry, difference between full auto and semi auto, how many days until may 23, homemade flash bang, school shooter anime gifts, what would happen without the hoover dam, Adam Lanza (Columbine), and the Ohio/Dayton shooter.

***The Defendant’s Army Training.*** On August 20, 2019, consistent with his to-do list from the Greek hotel, the defendant went to Army Basic Training at Fort Benning, Georgia. The defendant was there until his discharge for entry level performance and conduct on December 18, 2019. (PSR at ¶ 31.) While the defendant was attending Basic Training, on November 28, 2019, the defendant read articles on various mass shootings on a “columbinemassacre” forum. On December 7, 2019, the defendant chatted on Kik Messenger in a public group “#psychopathsclusterb,” and told a user that “I was an incel that got removed / For saying I wanted to rape women . . . I said I wanted to kidnap women and rape them/murder them[.]”

***The Defendant’s Time at Home Before Arrest.*** After his discharge, the defendant returned home. He continued to prepare for his mass attack. On December 31, 2019, the defendant purchased shooting safety glasses. He also resumed his disturbing Google search pattern. He searched for Elliot Rodger, Incel topics, the Unabomber manifesto, firearm topics, gun ranges near him, bullet backstop, and Edmund Kemper (a “co-ed” serial killer in the 1970s).

On January 11, 2020, the defendant created a note that was recovered from his phone entitled “isolated.” (PSR ¶ 32.) The “Foreward” states: “If you’re reading this, I’ve done something horrible. Somehow you’ve come across the writings of the deluded and homicidal, not an easy task, and for that I congratulate you for your curiosity and willingness to delve into such a dark topic.” (*Id.*) The defendant signed it “Your hopeful friend and murderer, TBG.” (*Id.*)



On January 15, 2020, the defendant wrote another note on his phone that appears to document surveillance of an unidentified school. He wrote: “10:53 am, fairly busy, Wednesday, Students seem fairly nerdy, some hipster dull kids as well. The track is primarily unused. Ages vary. The average appears to be early 20s. Car quality is generally mid lower tier. Some sort of building behind the college look into it. They have no check of any sort entering the building. I wasn’t questioned at all. Backpacks are very common.” (Surveillance note attached as Exhibit F.)

On the same day of the surveillance activity, the defendant did Google searches for “planning to kill crime,” “planning a shooting crime,” “planning a shooting law,” and “When does preparing for a crime become an attempt?” (See PSR ¶ 32.)

Five days later, on January 20, 2020, the defendant searched for details related to Elliot Rodger’s mass killing in Santa Barbara, as well as details regarding the Unabomber manifesto and how to write to the Unabomber. Similar searches related to Incel ideology, VPNs, firearms, and the FBI continued through January and February. On a prior occasion, the defendant documented his countdown to May 23rd, the anniversary of the Elliot Rodger attack, which was the day the defendant intended to carry out his own.

On March 11, 2020, the defendant took a screenshot of a web search, the results of which included a page on police scanner codes, as well as a page on radioreference.com for “Franklin County (OH) – TheRadioReference Wiki,” listing “Ohio State University.” The Wiki page included radio codes for Columbus police and Ohio State University police. The defendant also accessed the Facebook pages for a specific Ohio State University sorority on unknown dates. This echoed his activity in August of 2019, the month the defendant wrote his manifesto, and conducted internet activity about sororities.

***The Defendant’s Arrest.*** The next day, March 12, 2020, the defendant’s mother called 911 to report the defendant’s behavior. Deputies with the Highland County Sheriff’s Officer

responded to the scene.<sup>12</sup> The defendant's mother told the deputies that her son had become erratic and violent, threatening her. She had heard him go into his bedroom and cock a gun. The deputies then called the defendant and instructed him to exit the home, which he did. With the defendant's consent, the officers searched the defendant's car and found a Palmetto State Armory AR-15 rifle equipped with a bump stock, along with several loaded magazines, boxes of ammunition, and body armor in the trunk of the car. (Photograph from search is attached as Exhibit G.) When law enforcement searched the defendant's bedroom, they found the handwritten to-do list, along with a modified handgun inside a heating vent. (Photograph of handgun is attached as Exhibit H.) The handgun, whose rear rails were removed, was a ghost gun that functioned, through the modification, as an automatic weapon.

## **II. The Defendant's Plea and Guidelines Range**

The defendant pleaded guilty before this Court on October 11, 2022. (PSR ¶ 4)

Probation has calculated the defendant's Guideline range as follows (*see id.* ¶¶ 41-55):

### Count One: 18 U.S.C. § 249(a)(2) – Attempted Hate Crime

- The United States Sentencing Commission Guidelines Manual (“U.S.S.G.”) 2021 ed., effective Nov. 1, 2018, applies to this conduct.
- Pursuant to U.S.S.G. § 2H1.1, the base offense level is from the offense guideline applicable to any underlying offense.
- U.S.S.G. § 2H1.1, Application Note One instructs that the offense guideline applicable to any underlying offense “means the offense guideline applicable to any conduct established by the offense of conviction that constitutes an offense under federal, state, or local law (other than an offense that is itself covered under Chapter Two, Part H, Subpart I).”
- Because the defendant pleaded guilty to Attempted Hate Crime, which includes an attempt to kill, the underlying offense is Attempted Murder. The applicable guideline for Attempted Murder is U.S.S.G. § 2A2.1 (Assault with Intent to Commit Murder; Attempted Murder).

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<sup>12</sup> As this Court is aware, three of the deputies testified at hearings for the defendant's pretrial motions.

- Pursuant to U.S.S.G. § 2A2.1(a)(1), because the object of the defendant's offense would have constituted first degree murder, the base offense level is 33.
- Pursuant to U.S.S.G. § 3A1.1(a), because the defendant intentionally selected any victim as the object of the offense of conviction because of the actual or perceived gender or gender identity of any person, three levels should be added.
- The USAO does not oppose a two-level reduction in offense level pursuant to U.S.S.G. § 3E1.1 based upon the defendant's acceptance of responsibility, provided that the defendant's conduct continues to demonstrate compliance with the terms of § 3E1.1. The defendant may be entitled to an additional one-level decrease pursuant to § 3E1.1(b) in recognition of the defendant's timely notification of his intention to plead guilty.

In accordance with the above, Probation calculated the total offense level at 33. (*Id.* ¶ 55.)

Probation calculated the defendant's criminal history as I. (*Id.* ¶ 60.) The defendant's Guideline range then is 135 to 168 months' imprisonment. (*Id.* ¶ 100). The Government agrees with Probation's Guidelines calculation.

The defendant, however, objects to Probation's calculation. The defendant contends that his base offense level should not be the cross-reference to attempted murder, but instead remain within the Guideline § 2H1.1(a)(3) – a civil rights offense involving the “use or threat of force against a person[.]” In the defendant's view, this guideline covers the offense and therefore a cross-reference is not appropriate.

That subsection appears in a Guideline that directs us to “Apply the Greatest” of the subsections, including “the offense level from the offense guideline applicable to any underlying offense[.]” U.S.S.G. § 2H1.1(a)(1). The underlying offense here is the defendant's attempt to kill women. Attempted Murder is covered by U.S.S.G. § 2A1.1. That provision instructs that the base offense level is 33 “if the object of the offense would have constituted first degree murder,” which the Application Note explains is defined under Title 18, United States Code, Section 1111. That statutory provision defines murder in the first degree as “the unlawful killing of a human being with malice aforethought” including “[e]very murder perpetuated by . . . any other kind of willful,

deliberate, malicious, and premeditated killing.” As the PSR details, the defendant premeditated murder in this case, spending months carefully plotting to kill women. The defendant’s crime falls squarely within the definition of Attempted Murder, and thus 33—a base offense level greater than 10—applies.

This approach is supported by case law. For example, in *United States v. Cozzi*, 613 F.3d 725 (7th Cir. 2010), a police officer beat a shackled man in the head and face with a leather club, and subsequently pleaded guilty to a civil rights offense covered by U.S.S.G. § 2H1.1. At sentencing, the district court looked to § 2H1.1, and, following the directive, cross-referenced to the Guideline for Aggravated Assault, § 2A2.2. *Id.* at 733. Cozzi challenged the calculation on appeal, arguing, as the defendant does here, that the base offense level should have been 10 because “the offense involved [] the use or threat of force against a person[.]” *Id.* Cozzi claimed that the cross-reference was improper because he pleaded guilty only to a civil rights violation and there was no “underlying offense.” *Id.* The Seventh Circuit rejected Cozzi’s argument and affirmed the district court’s calculation:

The district court correctly applied the sentencing guidelines in calculating the appropriate sentencing range for Cozzi. The plain language of § 2H1.1 directs a court to apply the sentencing guideline applicable to the underlying offense (here, aggravated assault) if it would produce a greater base offense level than the base offense level premised solely on § 2H1.1. In this regard, § 2H1.1 “provides a floor, not a ceiling.” *United States v. Byrne*, 435 F.3d 16, 27 (1st Cir. 2006). The sentencing guidelines recognize that in a situation, as here, where the defendant’s conduct is more reprehensible than a civil rights violation that used a minor amount of force, the defendant’s sentence should be on par with other defendants in federal court who committed similar conduct under federal jurisdiction.

*Id.*; accord *United States v. Byrne*, 435 F.3d 16, 27-28 (1st Cir. 2006); see *United States v. Allen*, 341 F.3d 870, 894-96 (9th Cir. 2003) (concluding cross-reference to aggravated assault in civil rights case was proper); *United States v. Woodley*, 136 F.3d 1399, 1406-08 (10th Cir. 1998) (affirming cross-reference to aggravated assault guideline in civil rights case); see also *United*

*States v. Kulla*, 434 F. App'x 268, 269 (4th Cir. 2011) (finding no error where district court cross-referenced to blackmail in a civil rights case); *United States v. Webb*, 252 F.3d 1006, 1010 n.6 (8th Cir. 2001) (noting that a failure to cross-reference abusive sexual conduct in civil rights case would have been error as a matter of law).

Probation's cross-reference to Attempted Murder is correct, and the defendant's objection should be overruled.

## **DISCUSSION**

### **I. The Defendant's Conduct Warrants a Significant Term of Imprisonment**

The factors that the Court must consider when fashioning a sentence include the nature and circumstances of the offense, the need for the sentence to reflect the seriousness of the defendant's offense, the promotion of respect for the law, the need for just punishment for the offense, the need for adequate deterrence, and to protect the public from further crimes of the defendant. *See* 18 U.S.C. § 3553(a)(2). All such considerations support a sentence of 150 months' imprisonment for the defendant's crimes.

#### **A. The Defendant's Intricate Plot**

The defendant's murderous plot was detailed and devastating. He had a to-do list and worked methodically over months to check off the entries. He purchased equipment for the murders, and he obtained and modified guns to operate as automatic weapons and more efficiently "slaughter" women. He conducted surveillance of a school, noting the security measures in place. He researched mass murderers and the law around attempt crimes, and he crafted his own manifesto and farewell note. He even joined the army in order to get the training he thought he needed to be more effective at killing.

Throughout these months of planning and preparation, the defendant had the opportunity to rethink and stop. At each step, he had a choice. And every time, he chose to proceed toward

his goal of a “huge!” kill count. As he admitted, until he was stopped by law enforcement, he was prepared to follow through. (*See* Doc. 60 (Plea Agreement) at PageID 443 (“GENCO formulated a plot to kill women and intended to carry it out.”).) It was only through his mother’s call to police and the wherewithal of local officers that the defendant was stopped.

Throughout this Court’s tenure, the Court has undoubtedly sentenced criminals who made a single bad decision, chose the wrong path in a discreet moment. This defendant, by contrast, committed his crime over months and never once turned away from the opportunity to work towards the mass murder of women because of his hate. The nature and circumstances of this offense are as dire as we see in federal law enforcement and should be sentenced accordingly.

B. The Defendant’s Motivation was Hate

The defendant’s planned mass murder was motivated by a deep hatred of women. There was no suggestion that the defendant’s plot included specific women whom he perceived as wronging him. Instead, the defendant desired to murder women simply because they existed. As he wrote, “I will slaughter out of hatred, jealousy, and revenge.”

Spoken like a true Incel. As researchers have aptly described, “[a]lthough[] the incel worldview is not obviously political, its core ethos entails the subjugation and repression of a group and its violence is designed to have far-reaching societal effects.” Bruce Hoffman, Jacob Ware & Ezra Shapiro, “Assessing the Threat of Incel Violence,” *Studies in Conflict & Terrorism*, Vol. 43 at 565 (Apr. 19, 2020).

Incel violence has that far reach because crimes driven by hate harm all members of the targeted community, not just the immediate victims. That is the point – to create a pervasive fear, to cultivate a sense of unworthiness and difference. How best to transfer one’s hatred than to make

the subjects of it terrified and isolated? The defendant did that in this case without firing a single shot.<sup>13</sup>

Women in particular are subject to hate and devastating rates of violence. *See* World Health Organization, “Violence Against Women” (reporting one in three women globally are subjected to physical or sexual violence).<sup>14</sup> In 2020, the year the defendant was arrested, 81,000 women and girls globally were murdered. *See* United Nations, “Facts and figures: Ending violence against women.”<sup>15</sup> Violence against women is a threat to public health and national security and is an enduring human rights crisis.

Incels are responsible for that violence, in part. According to the FBI, between 2014 and 2019, Incels murdered 27 people in the United States and Canada. That number does not include the February 2020 attack in Toronto where an Incel murdered a woman with a machete.<sup>16</sup> Nor does it include the August 2021 attack in Plymouth, England where a “blackpilled”<sup>17</sup> shooter

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<sup>13</sup> Simply announcing the charges in this case sparked fear in our community. For example, after the announcement of charges in this case, Ohio University issued a statement that the defendant had never been enrolled at the school and Ohio University police were “monitor[ing] the case” and would take “appropriate action within our community if our threat assessment changes.” (Available at: <https://www.ohio.edu/news/2021/07/statement-regarding-arrest-tres-genco>).

<sup>14</sup> Available at: <https://www.who.int/news-room/fact-sheets/detail/violence-against-women>

<sup>15</sup> Available at: <https://www.unwomen.org/en/what-we-do/ending-violence-against-women/facts-and-figures#notes>

<sup>16</sup> *See* “Canada police say machete killing was ‘incel’ terror attack,” *The Guardian* (May 20, 2020) (available at: <https://www.theguardian.com/world/2020/may/19/toronto-attack-incel-terrorism-canada-police>).

<sup>17</sup> “Blackpill” is an Incel term that “amounts to a fundamental rejection of women’s sexual emancipation, labeling women shallow, cruel creatures who will choose only the most attractive men if given the chance.” (Beauchamp from footnote 3.)

murdered five people.<sup>18</sup> Nor does it include the May 2023 mass shooting in Allen, Texas where a self-identified Incel (among other hateful ideologies) murdered eight people and injured at least seven others.<sup>19</sup>

Incels also glorify violence. In 2022, the Quant Lab at the Center for Countering Digital Hate published a report of their study of over a million posts on the world's leading Incel forum over the previous 18 months.<sup>20</sup> Their study revealed, among other things, that Incel forum members post about rape the equivalent of every 29 minutes, with 89% of posters supportive of it. They also observed that between 2021 and 2022, monthly posts mentioning or referencing Incel mass murders increased 59%. In their view, extremist Incels pose a "violent threat" to the community, in part because "[t]hey have mastered the amplification machine of unregulated, poorly-moderated social media[.]"

Incels—and all such groups that feed and foster misogyny—perpetrate and inspire violence against women. In doing so, they harm not only their immediate targets, but women everywhere. The appropriate sentence for a self-proclaimed "Incel since birth" should reflect the severity of this.

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<sup>18</sup> See Mark White, "Plymouth shooting: Jake Davison liked gun videos and talked about 'incel' in weeks before attack," *Sky News* (Aug. 14, 2021) (available at: <https://news.sky.com/story/plymouth-shooting-man-suspected-of-killing-five-people-and-himself-named-as-jake-davison-23-12380132>); Tim Hume, "'Blackpilled' Gunman Kills 5 in UK's Worst Mass Shooting in 11 Years," *Vice News* (Aug. 13, 2021) (available at: <https://www.vice.com/en/article/jg8nwp/jake-davison-plymouth-incel-blackpilled-loner-kills-5-in-uks-worst-mass-shooting-in-11-years>).

<sup>19</sup> See Casey Tolan et al., "What we know about the North Texas outlet mall gunman and his online posts," CNN.com (May 9, 2023) (available at: <https://www.cnn.com/2023/05/08/us/mauricio-garcia-allen-texas-shooting/index.html>).

<sup>20</sup> Available at: <https://counterhate.com/wp-content/uploads/2022/09/CCDH-The-Incelosphere..pdf>. Information provided in this paragraph comes specifically from pages 6, 7, 35, and 39.



C. Incels Must Be Deterred from Violence and Society Must Be Protected

The Incel movement presents a terrorist threat, both domestically and abroad. *See* FBI, Domestic Terrorism Reference Guide, “Involuntary Celibate Violent Extremism”; Nick Boisvert, “Homicide at Toronto massage parlour was an act of incel terrorism, police say,” CBC News (May 19, 2020); *see, e.g.*, U.S. Secret Service, National Threat Assessment Center, “Hot Yoga Tallahassee: A Case Study of Misogynistic Extremism,” at 22 (March 2022) (“Hatred of women, and the gender-based violence that is associated with it, requires increased attention from everyone with a role in public safety.”)

Mitigating this persistent threat of violence is difficult, as this case demonstrates. Like many of the Incels who have gone on to commit acts of violence, the defendant did not advertise his plans or conspire with others. He plotted and acted alone. This is a central challenge to law enforcement when attempting to disrupt these actors:

[T]he fact that incel violence has come from breakaway lone actors rather than organized groups represents a formidable challenge to law enforcement effort to interdict and prevent the violence espoused by the ideology’s proponents. Like most violent far-right and modern jihadist terrorism, incel violence has not been dictated by leaders of an identifiable network who design a plot and finance and train the attackers. Without any kind of traditional command-and-control apparatus, these incel attacks have instead been conceived by individuals who design and execute their plots alone. In this lone actor model, it becomes nearly impossible for law enforcement agencies to interdict would-be attackers and stop the violence before it occurs—as we have seen with terrorists inspired by the Islamic State.

Bruce Hoffman & Jacob Ware, “Incels: America’s Newest Domestic Terrorism Threat,” *Lawfare* (Jan. 12, 2020).

The defendant’s crime followed the Incel playbook in more ways than simply acting alone. He wrote a manifesto, like Elliot Rodger (six fatalities), Christopher Harper-Mercer (nine fatalities), George Sodini (three fatalities), and Tobias Rathjen (ten fatalities). He posted on Incel forums, like Scott Paul Beierle (two fatalities). He celebrated Elliot Rodger, like William Atchison

(two fatalities), Alek Minassian (ten fatalities), and Harper-Mercer. Had he not been disrupted, he would have murdered just like so many of the men he idolized.

To the extent any Incel can be deterred, a significance sentence like the one we advocate here will communicate that the Government takes these plots seriously and will appropriately punish those who attempt crimes of violence.

But beyond general deterrence, society needs to be protected from individuals like the defendant who not only espouse such a toxic philosophy, but plot mass attacks of violence in furtherance of it. The defendant would have carried out a devastating mass murder if he had not been stopped. The women of our state need to be protected from the defendant for as long as possible.

This is the first federal hate crime prosecution of an Incel in the United States. This Court has the opportunity to communicate the seriousness of this offense, the gravity of the crime the defendant committed, and the danger posed by individuals spurred to violence by hate. The United States urges this Court to sentence the defendant accordingly.

**CONCLUSION**

For the reasons set forth above, the Government respectfully submits that the Court should accept the plea agreement and sentence the defendant to 150 months' imprisonment.

Respectfully submitted,

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*/s/Megan Gaffney Painter*

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**CERTIFICATE OF SERVICE**

The undersigned attorney, duly admitted to represent the United States before this Court, hereby certifies that on the below date, she caused the Government's Sentencing Memorandum to be served on counsel for the defendant electronically.

Dated: Cincinnati, Ohio  
June 26, 2023

Respectfully submitted,

/s/Megan Gaffney Painter  
Megan Gaffney Painter  
Assistant United States Attorney